

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORGANEBURG DIVISION**

The United States of North)	
America and Ruby Elaine Pinnex,)	
Relator, in proper persona, also)	Civil Action No.: 5:19-cv-00617-JMC
known as, Ruby Elaine Pinnex,)	
)	
Plaintiff,)	
)	
v.)	ORDER AND OPINION
)	
Kenneth Hasty; Alessandro P.)	
DiNello; Ronald C. Scott; Reginald)	
P. Corley; and Andrew M.)	
Sullivan, in their personal)	
capacities,)	
)	
Defendants.)	
)	
)	

This matter is now before the court upon the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 10), filed on March 8, 2019, recommending that Plaintiff Ruby Elaine Pinnex’s action on behalf of the United States of North America and pursuant to the False Claims Act (“FCA”), 31 U.S.C. § 3730, be dismissed without prejudice and without issuance of service of process. For the reasons stated herein, the court **ACCEPTS** the Magistrate Judge’s Report (ECF No. 10) and **DISMISSES** the action.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Report sets forth the relevant facts and legal standards which this court incorporates herein without a full recitation. (ECF No. 10.) As brief background, on March 4, 2019, Plaintiff, proceeding *pro se*, filed her Complaint, alleging that Defendants Alessandro P. DiNello, Ronald

A. Scott (“Scott”) and Reginald P. Corley (“Corley”) violated the United States Attorney’s manual, the Treasury Department circular, and 31 CFR Subtitle A, Part 10, section 10.51, subsection 8, “when they pursued a mortgage issue with a negotiable instrument signed at the loan closing.” (ECF No. 1 at 5.) The action was filed as a “*qui tam* complaint with an injunction” seeking “triple [*sic*] damages of the alleged amounts of \$ 1,212,488.64.” (*Id.* at 6.) On March 8, 2019, the Magistrate Judge issued her Report recommending dismissal, “because this court lacks subject matter jurisdiction to hear *qui tam* actions brought by a pro se litigant.” (ECF No. 10 at 5.) On March 20, 2019, Plaintiff timely filed an Objection to the Report. (ECF No. 13.) Plaintiff’s Objection is ripe for adjudication.

II. STANDARD OF REVIEW

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge only makes a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with the court. *Id.* at 271. As such, the court is charged with making *de novo* determinations of those portions of the Report and Recommendation to which specific objections are made. *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). Thus, the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

III. DISCUSSION

Although Plaintiff timely filed objections to the Magistrate Judge’s Report recommending dismissal, objections to the Report must specifically identify the portions of the Report to which objections are made as well as the basis for such objections; failure to file specific objections

constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n. 4 (4th Cir.1984).

Here, Plaintiff does not specifically object to any of the Magistrate Judge's findings, but states that her "reasons for objecting to Section I, II, and III of the [Report] is based solely upon the fact that [she has] corrected [her] status that would allow [her] to bring a claim...as a Moorish American." (ECF No. 13 at 1.) However, this objection does not address, and is not relevant to, the Magistrate Judge's correct finding that a pro se plaintiff cannot file a *qui tam* action. Because Plaintiff offers no specific objections, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts the Magistrate Judge's Report and incorporates it herein by reference.

IV. CONCLUSION

After a thorough review of the Report and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 10). Therefore, the court **UNSEALS** the case and **DISMISSES** the action without prejudice and without issuance of service of process. All other pending Motions, including Plaintiff's pending Motion to Amend (ECF No. 14) are **DENIED AS MOOT**.

IT IS SO ORDERED.



United States District Judge

May 7, 2020
Columbia, South Carolina